

**\*E-FILED 5/11/06\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., et al,

Defendants.

NO. C 03 05669 JW (RS)

**ORDER RE PRODUCTION OF  
PTO MATERIALS**

Before the Court is defendants' motion for an order that would require plaintiff to produce copies of materials it sends to or receives from the United States Patent and Trademark Office in connection with certain proceedings within two business days of the time such materials are sent from or received by the office of plaintiff's counsel. Oral argument was heard on May 10, 2006.

Although plaintiff is correct that neither the Rules nor case law requires supplemental production within any specific time frame, and even though there is no evidence that plaintiff's prior practice regarding supplemental productions was contrary to the discovery rules, the Court has inherent authority to order such prophylactic measures as may be appropriate to ensure that the discovery process functions smoothly and to minimize the potential for subsequent disputes. Under all of the circumstances here, including the narrow and specific category of materials at issue, their particular nature, and the circumstances under which they are generated, plaintiff will be ordered to

1 produce any such additional materials within two weeks of the time they are sent from or received in  
2 the offices of plaintiffs' counsel.

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4 IT IS SO ORDERED.

5 Dated: May 11, 2006

  
RICHARD SEEBORG  
United States Magistrate Judge

United States District Court  
For the Northern District of California

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**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

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**Dated: May 11, 2006**

**Chambers of Judge Richard Seeborg**

**By: /s/ BAK**

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